

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------------|---|------------------------------|
| MARK E. FIX, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. 04-97 |
| v. |) | |
| |) | JUDGE COHILL |
| UNITED STATES OF AMERICA, and |) | MAGISTRATE JUDGE BAXTER |
| UNITED STATES BUREAU OF PRISONS, |) | |
| |) | (<i>Electronic Filing</i>) |
| Defendants. |) | |

MOTION FOR ENLARGEMENT
OF TIME TO COMPLETE DISCOVERY

AND NOW, come Federal Defendants, through counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Michael C. Colville, Assistant United States Attorney for said district, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move the Court to issue an Order enlarging the time within which parties may complete discovery an additional sixty (60) days. In further support of this motion, the Federal Defendants aver as follows:

1. On July 28, 2005, the parties attended a Case Management Conference with the Honorable U.S. Magistrate Judge, Susan Paradise Baxter in Erie, Pennsylvania.

2. At the Case Management Conference the Court and the parties agreed that discovery should be completed on or before October 31, 2005.

3. Since that time, the parties have exchanged various discovery requests and have exchanged various discovery responses. The parties have also retained experts and have begun to schedule

the depositions of certain material witnesses.

4. Unfortunately, the parties do not believe that they will be able to fully and comprehensively complete discovery in the above captioned matter under the current discovery deadlines.

5. As such, the parties respectfully request that they be permitted to extend the current discovery deadline an additional sixty (60) days, until December 31, 2005, within which to completed discovery.

6. Counsel for Plaintiff has consented to the request for additional time to complete discovery and joins in the above request.

WHEREFORE, the parties, respectfully request that the Court issue an Order enlarging the time in which to complete discovery an additional sixty (60) days.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Michael C. Colville
MICHAEL C. COLVILLE
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR ENLARGEMENT OF TIME TO COMPLETE DISCOVERY was served electronically and/or by first-class mail, this 26th day of October, 2005, to the following:

Lawrence D. Kerr, Esquire
BERK, WHITEHEAD, CASSOL,
FELICIANI & KERR
115 North Main Street
Greensburg, PA 15601

s/ Michael C. Colville
MICHAEL C. COLVILLE
Assistant U.S. Attorney